

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GEORGE TYRONE DUNLAP JR., Plaintiff, vs. DWIGHT NEVEN, *et al.*, Defendants. } } } } } } Case No. 2:09-cv-02394-RLH-GWF
ORDER
Request for Issuance of Subpoenas (#51)

This matter comes before the Court on Plaintiff's Request for Issuance of Subpoenas (#51), filed June 29, 2011; Defendants' Response to Plaintiff's request for Issuance of Subpoenas (#55), filed on July 18, 2011; and Opposition Motion to Defendant's Response Motion Against – Request for Issuance of Subpoenas (#57), filed on July 28, 2011.

Plaintiff requests that the Court order the issuance of subpoenas for the information and “evidence being held by the NODC, FBI and ACLU” regarding his pending civil rights suit. Plaintiff then proceeds to list out several itemized requests for documents and information. For the following reasons, the Court denies Plaintiff’s Request for Issuance of Subpoenas (#57).

The Court granted Plaintiff's Application to Proceed in Forma Pauperis (# 9). However, that Order specifically noted Plaintiff's *in forma pauperis* status shall not extend to the issuance of subpoenas at the government's expense. Further, pursuant to Federal Rule of Civil Procedure 45(b)(1), any subpoena that commands the production of documents, as the Plaintiff's does, requires the party to be served with notice prior to the issuance of subpoenas. There is no indication Plaintiff followed Rule 45 in that regard.

Finally, the Court finds that Plaintiff's requested information should first be sought through request for production to Defendants. Pursuant to the Scheduling Order (#49), the parties shall

1 have until September 19, 2011 to complete discovery. If either party fails to comply with a valid
2 discovery requests, an appropriate motion can be filed with the Court in accordance with Federal
3 Rule of Civil Procedure 37. Accordingly,

4 **IT IS THEREFORE ORDERED** that Plaintiff's Request for Issuance of Subpoenas (#51)
5 is **denied**.

6 DATED this 10th day of August, 2011.

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9 **GEORGE FOLEY, JR.**
10 **UNITED STATES MAGISTRATE JUDGE**

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